IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

Bail Appl..No. 892 of 2007()

CRIME NO.22/07 OF PERUMPADAPPU POLICE STATION

: PETITIONER/ACCUSED

DEVAN K.A., AGED 29 YEARS,
S/O. APPUNNI, KANAKOTTU HOUSE,
GRAMAM POST, VELIYANGODU,
MALAPPURAM DISTRICT.

BY ADV. SRI.RAJIT
SRI.RANJIT BABU

RESPONDENTS: RESPONDENT

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 892 OF 2007 B

Dated this the 20th day of February, 2007

O R D E R

Petitioner, who is the accused in Crime No.22/2007 of Perumpadappu Police Station for offences punishable under sections 376 and 506(i) IPC, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application submitting, inter alia, that this is a case in which the petitioner, who had developed an intimacy with the de facto complainant, whose husband is in the Persian Gulf, had ravished her on 20.3.2006 and a child has also been subsequently delivered by her on 16.1.2007.

3. Eventhough anticipatory bail cannot be granted in a case of this nature, having regard to the fact that going by the dates mentioned in the private complaint, the delivery of the child was after 301 days of the alleged rape and having regard to the further fact that the complaint itself was lodged only on 3.2.2007, I am inclined to permit the petitioner to surrender before the Investigating Officer for interrogation and then to have his application for regular bail ordered by the Magistrate concerned. Accordingly, the petitioner is directed to surrender before the Investigating Officer on any day between 23.2.2007 and 26.2.2007 for the purpose of custodial interrogation

including subjecting him to potency test. The petitioner shall, thereafter, be produced on the same day before the concerned Magistrate, who shall release the petitioner on bail on appropriate conditions including one obliging him to make himself available for interrogation as and when required by the police.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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